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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,243	08/30/2000	RICHARD REISMAN	1311.1300	1384

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EXAMINER

ALI, MOHAMMAD

ART UNIT PAPER NUMBER

2177

DATE MAILED: 11/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

FORMAL DRAWING
CORRECTION REQUIRED
FILED

FILE NO. 01311.001300
ART UNIT JWR
DATE 2/1/03
DATE 11/15/02 JWR

Office Action Summary

Application No.

09/651,243

Applicant(s)

REISMAN, RICHARD

Examiner

Mohammad Ali

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 22-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 August 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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Detailed Action

1. This communication is responsive to the application filed on August 30, 2000.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-21 are drawn to an apparatus for storing data in plurality of task/domains, classified in class 707, subclass 3.
- II. Claims 22-38 are drawn to directed to representing types of linguistic (defined by extracting Vocabulary identifiers) information, classified in class 704, subclass 1.

The inventions are distinct, each from the other because of the following reasons:

Inventions in Groups I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention in Group I has separate utility such as storing data in plurality of task/domains. See MPEP § 806.05(d). Invention in Group II has separate utility and requires a method of locating items containing language using a particular vocabulary.

Inventions in Group I and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are (1) storing data in plurality of task/domains, (2) locating items containing language using a particular vocabulary.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purpose as indicated is proper.

During a telephone conversation with Mr. Joseph W. Ragusa (Reg. No. 38,586) on October 22, 2002 a provisional election was made with traverse to prosecute the invention of an apparatus storing the plurality to task/domain, claims 1-21. Affirmation of this election must be made by applicant in replying to this Office action. Claims 22-38 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicants are advised that the reply to this requirement to be complete must include and election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicants are reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application

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by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,460,036 B1 issued to Frederick S. M. Herz ("Hertz").

With respect to claim 1 Herz teaches, "means for storing cumulative feedback data gathered from multiple users during previous operations of the apparatus and segregation in accordance with the plurality of task/domains" taught by Herz at col. 17 lines 36-44;

Examiner interprets the terms 'cumulative' and 'segregation' as described in the specification to be equivalent to Herz teaching of 'collection' and 'separate' consecutively at col. 4 lines 50-67, and col. 6 lines 36-44.

"means for determining the current task/domain with which the current user command,..." taught by Herz at col. 19 lines 49-58;

"means for determining a current response to the current user command,..." taught by Herz at col. 19 lines 49-65;

"means for communicating to the user the current response" taught by Herz at col. 40 lines 56-58; and

"means for receiving from the user current feedback data,..." taught by Herz at col. 40 lines 56-67,

"wherein the current feedback data is added to the cumulative feedback data stored,..." taught by Herz at col. 40 lines 56-67.

Claims 7 and 12 have same subject matter as of claim 1 and essentially rejected as discussed in the rejection of claim 1.

Claim 12 have same subject matter as of claim 1, 7, and 12 except "digital storage device" and Herz teaches at col. 9 lines 1-11 and essentially rejected as discussed above in the rejection of claim 1.

As per claims 2, 8, 13, and 18, "current task/domain determining means determines the current user task/domain by asking the user" taught by Herz at col. 19 lines 49-58.

As per claims 3, 9, 14, and 19, "current task/domain determining means determines the current user task/domain by inferring the current user,..." taught by Herz at col. 19 lines 49-58.

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As per claims 4, 5, 10, 15, and 20, "the apparatus is a server on a wide area network" taught by Herz at col. 78 lines 28-29,

"the commands from the user comprise one of a search term for a discovery (col. 74 lines 18-21) searching task/domain,...." taught by Herz at col. 7 lines 57 to col. 8 lines 9, and

"the current task/domain determining means determines which of the task/domains is currently intended by asking the user" taught by Herz at col. 19 lines 49-58.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (703) 605-4356. The examiner can normally be reached on Monday to Thursday from 7:30am-6:00pm (EST).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone numbers for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.

Mohammad Ali

Patent Examiner

October 28, 2002


JEAN R. HOMERE
PRIMARY EXAMINER